

February 15, 2019

VIA EMAIL TO: cseeger@seegerweiss.com

Christopher Seeger
Seeger Weiss LLP
77 Water Street, 8th Floor
New York, NY 10005

Re: Demand for Correction of Misrepresentations Made to the Court

Dear Mr. Seeger:

This firm represents Ms. Sheilla Dingus. Ms. Dingus is the founder, sole editor, and principal writer for the online publication titled, *Advocacy for Fairness in Sports*. For over two years, Ms. Dingus has used her platform to report on legal issues in sport, and her work has been recognized in numerous publications, including the *ABA Journal*, *The New York Times*, *Law360*, *Bleacher Report*, and *Think Progress*. Through her reporting, Ms. Dingus has served as a consistent and staunch advocate for former professional athletes – a position that would seem to be complimentary to your role as co-lead counsel in the ongoing case *In Re: National Football League Players' Concussion Injury Litigation*. However, it has come to our attention that in a recent Opposition of Co-Lead Class Counsel to XLaw's Motion Requesting that the Court Reconsider Its Order (ECF No. 10370), you made harsh and untruthful reference Ms. Dingus' work in an attempt to discredit counsel.

We are writing you today to (1) correct your misunderstanding and misstatement of Ms. Dingus' work; (2) memorialize the true and correct facts; and (3) demand that you correct your misstatements for the Court.

Your Misunderstanding and Misstatements

"Mr. Tighe appears to be a go-to source for Roger Stone and Sheilla Dingus." (ECF No. 10419, p. 3).

Although Ms. Dingus has previously used statements from Mr. Tighe, those statements were derived entirely from his public statements made within documents filed with the court.

"Ms. Dingus's blog, *Advocacy for Fairness in Sport*, has offered unfounded speculations and muckraking about the state and integrity of the Settlement since February 8, 2017."

The article to which you are presumably referring¹ did not offer "unfounded speculation and mudracking" about the ongoing settlement negotiations. Rather, the article simply recapped the "live tweets" from the webcast of the conference so that players who might have missed the webcast could stay informed.

Ms. Dingus' subsequent writings on the settlement negotiations have focused on new court filings and their bearing on the case. Although Ms. Dingus' has provided her own analysis and opinion, it surely is not "unfounded" or "mudracking". Ms. Dingus has interviewed numerous class members, attorneys, professors, and has even sought comment from you personally.

The concerns expressed by Ms. Dingus in her recent writings have been echoed by other attorneys in several other publications, including the *New York Times*², *Law360*, and *Deadspin*. Curiously, no mention is made of these publications or authors in your Opposition.

¹ "Judge Anita Brody's Feb. 8 Concussion Settlement Conference," <http://advocacyforfairnessinsports.org/nfl-concussion-settlement/judge-anita-brodys-feb-8-concussion-settlement-conference/> Advocacy for Fairness in Sports, February 8, 2017.

² "After N.F.L. Concussion Settlement, Feeding Frenzy of Lawyers and Lenders," *New York Times*, <https://www.nytimes.com/2017/07/16/sports/football/nfl-concussion-settlement-lawyers.html> July 16, 2017; "Alleged Roger Stone Ties Inflammation NFL Concussion Atty Spat," <https://www.law360.com/sports/articles/1127371/alleged-roger-stone-ties-inflammation-nfl-concussion-atty-spat> *Law360*, February 8, 2019, accessed February 9, 2019; "Not Even The Lawyers Can Agree On What's Going On With The NFL Concussion Settlement," *Deadspin*, January 31, 2019. <https://deadspin.com/not-even-the-lawyers-can-agree-on-whats-going-on-with-t-1831741933> accessed February 9, 2019.

“Recently, Dingus posted a story about the Order now challenged by Mr. Tighe, comparing it to the Trojan Horse that brought down Troy.”

In your Opposition, you attributed the “Trojan horse” analogy to Ms. Dingus. However, if you had read the article that you cited in your Opposition, you would have known that Ms. Dingus explicitly credited the analogy to another source: “Attorney Tim O’Brien, in comments to Law360 was the first to raise the Trojan horse analogy regarding the settlement, and he, for good reason viewed the AAP as a gift with potential for destruction.” (<http://advocacyforfairnessinsports.org/nfl-concussion-settlement/the-nfls-appeal-withdrawal-resembles-a-trojan-horse/>).

“On the February 13, 2018 broadcast of *Infowars*, Mr. Tighe spoke (as a representative of *Advocacy for Fairness in Sports*) to Mr. Stone at length about the NFL’s orchestration of a dysfunctional Settlement program that was not paying claims and the NFL’s use of the “Anthem kneeling” scandal to cover this up.”

Ms. Dingus had no knowledge of the particular *Infowars* podcast episode you cited until she read about it in your Opposition, at which point she contacted the *Infowars* site informing them that Mr. Tighe is not, nor has he ever been, affiliated with *Advocacy for Fairness in Sports*. Ms. Dingus has firmly requested that the referenced podcast be removed, and an apology issued clarifying that neither Mr. Tighe, Alex Jones, Roger Stone, nor *Infowars* are affiliated with her site. According to Mr. Tighe, the representation he made to *Infowars* was merely that *Advocacy for Fairness in Sports* was a good source of information regarding the NFL Concussion Settlement – at no point did he represent himself as affiliated with *Advocacy for Fairness in Sports*. Any affiliation that *Infowars* perceived was a result of their unfounded misunderstanding of Mr. Tighe’s statement.

Demand for Correction

As you are well aware, you owe a Duty of Candor toward the court, which requires you to correct false statements previously made. (See ABA Model Rule 3.3). In an attempt to undermine the credibility of another party’s counsel, you made explicit reference to Ms. Dingus and erroneously painted her publication in a false light. Accordingly, your professional obligation under the ABA Model Rules requires you to correct the aforementioned statements from your Opposition.

Ms. Dingus is a completely neutral third-party, and because of your misrepresentations (that have been picked up by other publications), has suffered reputational damage. There was no reason for bringing her into this dispute. In order to provide Ms. Dingus with some redress, we demand that you comply with your professional obligations and correct those statements about Ms. Dingus made to the court.

If you fail to do so, we are prepared to advocate for Ms. Dingus’ interests to the extent necessary to vindicate her tarnished reputation and standing in the sports community.

Nothing contained in this letter shall be construed to be a complete statement of Ms. Dingus’ position in this matter, the facts described herein, or a waiver of any of Ms. Dingus’ rights and remedies, at law or in equity, all of which are expressly reserved.

Please feel free to contact me if you wish to discuss.

Sincerely,



Aaron B. Swerdlow
of WEINBERG GONSER LLP